

Remarks/Arguments:

Claims 1-28 are currently pending in this application. Herein, Claims 1, 13, 17 and 22-24 are currently amended.

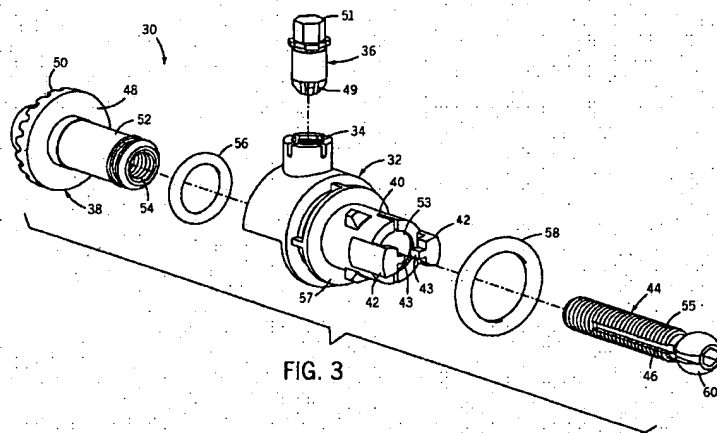
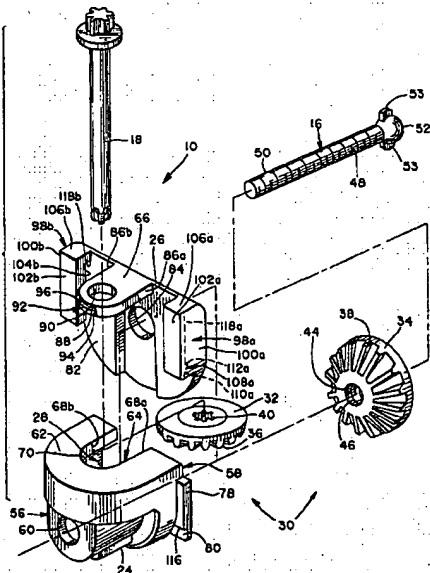
In the Office Action dated September 7, 2005, Claims 1-28 were rejected. Specifically, Claims 1, 2, 4, 5 and 7-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,165,775 to Lisak et al. ("Lisak '775"), Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lisak '775 in view of U.S. Patent No. 5,309,780 to Schmitt ("Schmitt"), Claims 12, 13, 15-19, 21, 22 and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lisak '775 in view of U.S. Patent No. 5,077,642 to Lisak ("Lisak '642"), and Claims 14, 20 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lisak '775 in view of Lisak '642 and further in view of Schmitt. Lisak '775, Schmitt, and Lisak '642 shall be referred to herein collectively as the "Cited Art." The rejections are addressed in more detail below.

Claim Rejections – 35 U.S.C. § 102(b)**Independent Claim 1:**

Independent Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Lisak '775. Applicant respectfully disagrees with the overall characterization of Lisak '775 in the Office Action and particularly to its application to Claim 1, as amended herein. Among other differences, Lisak '775 does not include a tang positioned on and extending outside the housing, as now recited in Claim 1. The Office has identified Lisak '775 reference number 53 as the tang. Lisak '775 reference number 53, however, is described and shown as a pair of ears 53 located on the ball-shaped end portion (Lisak '775 reference number 52) of the control rod or adjusting

member (Lisak '775 reference number 16). See Lisak '775 column 4, lines 5-11. The control rod or adjusting member 16 is separate from the housing (Lisak '775 reference number 14 or the lower portion of FIG. 1). The ears 53 are thus not positioned on and extending outside the housing 14 as recited in Claim 1 as amended herein. A comparison of Applicant's FIG. 3 and FIG. 1 of Lisak '775 clearly shows the structural difference between the tang positioned on and extending outside the housing and ears located on the ball-shaped portion of the Lisak '775 control rod. Below, Lisak '775 FIG. 2 (left) shows ears 53 located on the ball-shaped portion of the control rod 16 – separate from the housing – and Applicant's FIG. 3 (right) shows tang 43 positioned on and extending outside the housing 14¹ – separate from the control rod 44:

Fig. 2



Therefore, Lisak '775 does not disclose at least one element of Claim 1 and thus does not anticipate Claim 1.

¹ Of course embodiments of the tang 43 and housing 14 other than the ones shown in FIG. 3 could be manufactured and fall within the scope of claim 1.
MN252439_1.DOC

Dependent Claims:

Independent Claim 1 is not anticipated by Lisak '775, as established above. Thus, the claims that depend therefrom, namely, Claims 2-12, are also not anticipated by Lisak '775 or are obvious with respect to Lisak '775 in view of Schmitt or Lisak '642.

Claim Rejections – 35 U.S.C. § 103(a)**Independent Claim 13:**

Independent Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lisak '775 in view of Lisak '642. Applicant respectfully disagrees, especially in light of the amendment to Claim 13 made herein. Claim 13 has been amended to more clearly define the position of the tang with respect to the housing. Namely, the tang is positioned on and extends outside the housing. As described above, among other differences, Lisak '775 does not disclose a tang positioned on and extending outside the housing. Instead, Lisak '775 discloses a pair of ears located on a ball-shaped end portion of a control rod, which is not part of the housing. As well, a review of Lisak '642 does not reveal a tang positioned on and extending outside the housing, or any other structure that functionally engages a control rod and prevents rotation thereof. Thus, neither Lisak '775 nor Lisak '642 disclose, alone or in combination, all of the elements recited in Claim 13. The obviousness rejection with respect to Claim 13 should therefore be withdrawn.

Independent Claim 17:

Independent Claim 17 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Lisak '775 in view of Lisak '642. In light of the amendment to Claim 17 entered herein, Applicant respectfully disagrees. Claim 17 has been amended such that the tang is positioned on

and extends outside a housing of the adjuster portion. Among other differences, Lisak '775 does not disclose a tang positioned on and extending outside a housing of the adjuster portion.

Instead, Lisak '775 discloses a pair of ears located on a ball-shaped end portion of a control rod, which is not part of a housing for an adjuster portion. Lisak '642 also does not disclose a tang positioned on and extending outside a housing of an adjuster portion, or any other structure performing the function of the tang recited in Claim 17. Thus, Claim 17 includes at least one element that is not taught or suggested by Lisak '775 or Lisak '642 and is therefore not obvious with respect to Lisak '775 in view of Lisak '642.

Dependent Claims:

Independent Claims 13 and 17 are not obvious, as established above. Thus, the claims that depend therefrom, namely, Claims 14-16, and 18-28, are also not obvious.

Characterization of Cited Art

Applicant notes that the Office Action included numerous characterizations of the Cited Art. Applicant identifies herein several key differences between the Cited Art and the invention claimed in each of the currently pending independent claims. Applicant's identification of those differences and silence on other differences should not be interpreted as or construed to be an admission of the correctness of the interpretation of the Cited Art in the Office Action or an admission that the subject claims include those aspects of the Cited Art not discussed herein.

Conclusion

In view of the remarks and amendments presented herein, it is respectfully submitted that claims 1-28 are in condition for allowance and reconsideration of same and notice of allowance of the claims is respectfully requested. Applicant submits that no new matter has been added to the application and requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application, particularly before the issuance of a final rejection.

Respectfully submitted,

GODFREY & KAHN, S.C.

Dated: November 17, 2005

By: _____



Brian G. Gilpin
Registration No. 39,997
Jennifer R. Racine
Registration No. 56,874

Attorneys of Record for the Applicant
GODFREY & KAHN, S.C.
780 North Water Street
Milwaukee, WI 53202-3590
Phone: (414) 273-3500
Facsimile: (414) 273-5198
E-mail: bgilpin@gklaw.com
E-mail: jr Racine@gklaw.com